

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ABDUL FARID KHAIR, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 1:10-cv-00410-JCC-TCB
)	
COUNTRYWIDE HOME LOANS, INC., <u>et al.</u> ,)	
)	
Defendants.)	
)	

BRIEF IN SUPPORT OF REQUEST FOR ATTORNEYS FEES

By order dated March 8, 2011, the Court ordered Defendants to provide the Court with a breakdown of hours billed for summary judgment and voluntary dismissal by Friday, March 11, 2011. Set forth below, and in Exhibit A attached hereto, is a breakdown of fees and hours billed for summary judgment and voluntary dismissal. Mr. Tepper's hourly rate is \$575.00. Mr. Panagopoulos' hourly rate is \$450.00. A 15% discount was applied to all the bills. The specific breakdown of time billed is set forth below.

I. Summary Judgment

The time billed for summary judgment can be broken down into several distinct phases: outlining the motion for summary judgment; drafting the motion for summary judgment; drafting a reply to Plaintiffs' opposition to the motion for summary judgment; reviewing Plaintiffs' motion to file a supplemental opposition and drafting a reply thereto; preparing for and arguing the motion to file a supplemental opposition; and preparing for the summary judgment hearing.¹ The breakdown for each of those phases is set forth below.

¹ Summary judgment hearing preparation is addressed in section III.

A. Outline Motion for Summary Judgment

Mr. Tepper spent a total of 0.4 hours outlining the issues for the motion for summary judgment in August of 2010 and October 23 of 2010. *See Exhibit A at 001-002.*² Mr. Panagopoulos also outlined issues to be addressed in the motion for summary judgment on January 13, 2011. That time totals 0.3 hours. *See Exhibit A at 008.* Mr. Panagopoulos' outline was provided after the depositions of the Plaintiffs and included refinements to arguments to be made based on those depositions. With the 15% discount applied, \$310.25 was billed to outline the motion for summary judgment.

B. Drafting the Motion for Summary Judgment

The total amount of time billed for drafting the motion for summary judgment was 31.0 hours by Mr. Tepper (Exhibit A at 003-009) and 1.0 hours for Mr. Panagopoulos (Exhibit A at 008-009). Mr. Panagopoulos spoke to Ms. Hammer about summary judgment and reviewed Ms. Sultanzada's deposition for issues related to the motion for summary judgment. Mr. Tepper's time included researching, drafting, revising, and finalizing the motion for summary judgment, drafting the two affidavits submitted in support of the motion for summary judgment and selecting the exhibits attached in support of the motion for summary judgment. The total billed after applying a 15% discount is \$15,533.75.

C. Reply Memorandum

Mr. Panagopoulos billed 1.5 hours reviewing Plaintiffs' (Exhibit A at 010) response to Defendants' motion for summary judgment and drafting a reply memorandum in support thereof. Mr. Tepper billed 0.4 hours reviewing the opposition. After the 15% discount is applied a total

² The entry for October 2010 states that it is .3 hours for outlining the discovery plan and motion for summary judgment. That work entailed outlining the discovery that needed to be completed in order to draft the summary judgment motion.

of \$769.25 was billed for the reply memorandum.

D. Opposition to Motion to File Supplemental Response

Mr. Panagopoulos billed 1.7 hours reviewing the motion to file a supplemental opposition, the supplemental opposition itself, and reviewing the additional documents attached to the supplemental opposition produced in discovery. (Exhibit A at 010-011) Mr. Tepper billed 7.8 hours reviewing the motion to file a supplemental memorandum and drafting an opposition thereto. (Exhibit A at 011). After a 15% discount is applied, a total of \$4,462.50 was billed to draft an opposition to the motion to file the supplemental memorandum.

E. Hearing

Mr. Panagopoulos billed a total of 1.6 hours preparing for and attending the teleconference hearing on the motion to file a supplemental memorandum. (Exhibit A at 011) Mr. Tepper billed a total of 0.7 hours attending the hearing.³ (Exhibit A at 011) Accordingly, after the 15% discount was applied a total of \$954.13 was billed for the hearing.

II. Voluntary Dismissal

The time billed for voluntary dismissal can also be broken down into three phases: preparing a response to the motion for voluntary dismissal, preparing for the hearing, and arguing the motion for voluntary dismissal. The first two phases are outlined below. The hearing is addressed in section III.

A. Response to Motion for Voluntary Dismissal

Plaintiffs' counsel called Defendants' counsel to discuss a motion for voluntary dismissal on February 9, 2011. Defendants thereafter filed a motion for voluntary dismissal. Defendants did not have time to draft a response but prepared for the hearing by reviewing relevant case law

³ Mr. Tepper did not attend the entire hearing.

and drafting talking points. The total amount of time spent in preparation to oppose the motion for voluntary dismissal was 3.5 hours: 0.2 hours in telephone calls relating to the motion to dismiss by Mr. Panagopoulos and 3.3 hours relating to the development of the talking points and case law by Mr. Tepper. (Exhibit A at 012) A total of \$1,689.37 was billed after taking into account the 15% discount.

III. The Hearings

Plaintiffs prepared for the summary judgment argument and the motion to dismiss argument during the same time frame. Mr. Tepper did not bill for this preparation time or to attend the motions hearings. Mr. Panagopoulos billed a total of 3.1 hours preparing to argue the motion to dismiss and the motion for summary judgment. (Exhibit A at 012) Mr. Panagopoulos also billed 2.1 hours on the day of the hearing preparing for the motion for summary judgment and motion to dismiss and to argue the motion to dismiss. (Exhibit A at 012) A total of \$1,989.00 was billed after taking into account the 15% discount.

IV. Totals

As set forth above, Defendants' counsel billed a total of \$25,708.25 to draft and file a motion for summary judgment, review and respond to an opposition, review and respond to a motion to file a supplemental opposition, argue the motion to file a supplemental opposition, review and analyze a motion to voluntarily dismiss, prepare for hearings on the motion to voluntarily dismiss and the motion for summary judgment and argue the motion to voluntarily dismiss.

Respectfully submitted,

/s/ Constantinos G. Panagopoulos

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*Attorneys for Defendants Countrywide Home
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Dated: March 11, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March 2011, I will electronically file the foregoing with the Clerk of the Court, which will then send a notification of such filing (NEF) to the following:

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